

**Final Report of the Investigation Committee:
PSAC Local #12500, Teaching and Research
Assistants at Concordia (TRAC)**

December 2014

Investigators:

Amber Gross (AMUSE-PSAC)
Kevin Whittaker (MUNACA-PSAC)

Presenter:

Magali Picard (Regional Executive Vice President, AFPC-Quebec)

Introduction

On September 9th, 2014 and again on September 15th, 2014, several formal complaints were filed by and against various members of the executive of the Teaching and Research Assistants at Concordia (TRAC), Local 12500 of the Public Service Alliance of Canada (PSAC).

Upon receiving the complaints, Sister Magali Picard, Regional Vice President PSAC-Quebec, requested an independent investigation as per Section 25 of the PSAC Constitution, and asked Amber Gross (President, PSAC Local 17600) and Kevin Whittaker (President, PSAC Local 17602) to conduct the procedure. We received the full text of the complaints filed by Executive Committee members Daria Saryan, Isabelle Johnson, Robert Sonin and Nader Jafari Nodoushan in late September. The complaints included claims of harassment, intimidation, racism, and violation of the TRAC bylaws. Upon receiving training from the regional office, we reviewed the complaints and evidence provided, and then conducted extensive interviews with all executives. The interviews consisted of questions formulated from the statements and documents provided to the investigators. In the course of this process, the investigators reviewed over 300 pages of documents provided by the parties, and conducted over fifteen hours of interviews with six people.

After reviewing the charges and evidence provided, we have found:

1. Evidence of harassment on the part of Nader Jafari Nodoushan, directed towards several members of the TRAC executive committee
2. Evidence of a fully dysfunctional executive committee

We recommend the following corrective action:

1. Immediate removal of Nader Jafari Nodoushan from the position of President of TRAC
2. A one-year suspension of Nader Jafari Nodoushan from any elected position within TRAC
3. Immediate removal of Robert Sonin, Daria Saryan, Isabelle Johnston, and Gounash Pirniya from their current elected positions within the executive committee (with no future suspension)
4. Immediate re-election of all TRAC executive committee positions

Terms and Definitions

Harassment: According to PSAC Policy 23B, harassment is an expression of power and superiority by one person or group over another person or group, often for reasons of sex, race, colour, national or ethnic origin, age, sexual orientation, gender identity or expression, disability, family or marital status, social or economic class, political or religious affiliation, or language. Harassment can also be personal in nature and unrelated to the grounds listed above.

Some key elements of **harassment** listed in the policy:

- an expression of power and superiority by one person or group over another person or group (i.e. asymmetrical power relationship);
- a series or repetition of incidents or behaviour towards an individual that is unwelcome, offensive, demeaning, belittling, humiliating, embarrassing, intimidating, or threatening.

The TRAC Executive

For clarity, the members and positions of 2014-2015 TRAC Executive Committee should be listed. All were elected by the General Assembly in April 2014, although some had been members of the Executive before.

President: Nader Jafari Nodoushan

Vice-President: Daria Saryan

Secretary-Treasurer: Sonia Afrin - removed September 2014 due to ineligibility

Bargaining Officer: Isabelle Johnston

Grievance Officer: Gounash Pirniya

Communications & Mobilization Officer: Robert Sonin

PSAC Regional Representative (not an executive member): Jean-Michel Fortin

What are the Complaints?

The complaints filed in this case were complex. Out of an executive of six members, five received complaints against them and four filed complaints against others. Some complaints were written briefly, in just a few lines, while others were fourteen pages long. Each contained multiple - sometimes dozens of - individual complaints against other executives. We took care to consider each complaint based on its content, and not its length, as we did not want anyone to have an unfair advantage based on their understanding of the process or their written English.

The sheer number of complaints filed meant that some were judged too small to investigate, and some were deemed repetitive or overlapping with the complaints of others. Before our interviews, we summarized the major complaints made, and focused on investigating these. The chart below organizes the complaints we investigated:

	Complaints made against him or her
Nader Jafari Nodoustan (President)	-Unauthorized use of TRAC funds in violation of TRAC bylaws (specifically, the purchase of mugs in excess of \$3000) -Proceeding with expenses that were rejected by the Executive Committee -Interference with the duties of the Bargaining Officer -Attempt to remove elected members of the bargaining team and replace them with others -Interference with the duties of the Communications and Mobilization Officer -Spreading false and slanderous information about the motivations of other executive members -Repeated bylaw violations

	-Humiliated, threatened, and subjected to hostility several executive members via email and in person -Ignoring duly passed motions of the executive committee -Failure to report and record financial state of the union -Assigning an employee with the tasks of the executive -Preventing the local from functioning by interfering with the duties of the executives
Gounash Pirnya (Grievance Officer)	-Failure to adequately handle members' grievances -Failure to respect grievance timelines and communicate their status to members -Failure to take action on grievances approved by the executive committee (HRIS)
Daria Saryan (Vice President)	-Racism towards the President -Collaborating with Human Resources in private meetings
Robert Sonin (Communications and Mobilization Officer)	-Not eligible for office -Inappropriate use of TRAC funds, fraud -Harassment -Unjustified timesheet submissions -Imposing self-interest over the union -Humiliation of the President and Grievance Officer -Fabricating rumours about the President
Isabelle Johnston (Bargaining Officer)	-Humiliating the President

Our Findings

Nader Jafari Nodoushan

Ms. Saryan, Ms. Johnston and Mr. Sonin have all made claims that Mr. Nodoushan has actively interfered with their roles as executive officers. Our investigation has confirmed those claims and finds much of this interference constituted intimidation and harassment.

We did not, however, find that Mr. Nodoushan acted with ill will towards the TRAC membership or even realized how problematic his actions were becoming. In the case of harassment, of course, intention is not a factor in determining whether or not an action was harassment. But we would like to record that right or wrong, Mr. Nodoushan, and every other executive for that matter, consistently acted in a way they felt was in the best interest of TRAC membership.

Harassment of Isabelle Johnston

Ms. Johnston described a series of incidents regarding her role as chair of the Bargaining Committee. She has provided evidence that Mr. Nodoushan has interfered with the organization of the bargaining committee's meeting. He chastised her for not including the Grievance Officer on the email, which she was not required to do. He interfered with Ms. Johnston's role of communication with the members of the committee and contacted a PSAC representative regarding bargaining issues without the knowledge of Ms. Johnston, in a clear move to go over her head because he disagreed with how she was working. It is clear that as chair of the bargaining committee, Ms. Johnston has the right and responsibility to organize and conduct meetings of the committee. Ms. Johnston had made attempts to outline her role to Mr. Nodoushan and explained in a clear manner that she found his actions upsetting and wanted them to stop. However, Mr. Nodoushan disregarded her advice and proceed as he felt he, as President, had the right to do. We have concluded that Ms. Johnston was justified in her defence of her role and that the President does not have the right to override the chair's decisions. He was indeed interfering with her role. Given the already high levels of conflict between Mr. Nodoushan and other members of the executive, it is justified for Ms. Johnston to feel that these actions were him turning to her as his next target for bullying and interference.

Harassment of Robert Sonin

Mr. Sonin provided a number of submissions where Mr. Nodoushan interfered with Mr. Sonin's role to communicate with the membership by restricting access to the TRAC database and email systems. On another occasion, Mr. Nodoushan's over-the-top questioning and interfering with a simple process to have informative cards produced to be distributed to the membership resulted with no action being taken at all and Mr. Sonin completely blocked from being able to perform his job. In these cases and others, it was clear that Mr. Nodoushan did restrict and interfere with Mr. Sonin's ability to communicate with the membership, which is his primary role. Mr. Nodoushan did restrict access to the membership database, which was later restored. Mr. Nodoushan did question the purchasing process of card printing to the point that no cards were produced and the membership did not receive the intended information. More recently Mr. Nodoushan changed the passwords to all communication accounts, and refused to share these passwords with Mr. Sonin.

Mr. Sonin also claimed harassment from Mr. Nodoushan in regards to his timesheet submissions. Mr. Nodoushan denied payment of timesheets Mr. Sonin submitted because he felt that Mr. Sonin was not doing the appropriate work and thus should not be paid. Upon review of the situation, we found that there was no clear reason to deny payment of the hours, and Mr. Nodoushan was using his role as cheque signer to assert his power over Mr. Sonin. This would be unacceptable at any time, but was particularly irresponsible given the already-tense atmosphere. Furthermore, when we reviewed the timesheets that were submitted by Mr. Nodoushan himself, we noticed several unbelievably large timesheets and were surprised that he would hold Mr. Sonin to such a rigorous standard but not himself. Mr. Sonin should submit a detailed list of the hours he was never paid for to TRAC, and be fully reimbursed.

Several other incidents were also brought to our attention, where Mr. Nodoushan accused Mr. Sonin of lying and even stealing from the TRAC office. These accusations were made via email with the rest of the executive cc'd. On one such occasion Mr. Nodoushan checked the office phone records and then emailed the executive to say Mr. Sonin was lying about a phone call that had been received from a member. This kind of action that creates a hostile work environment.

Harassment of Daria Saryan

In the case of Mr. Nodoushan, Ms. Saryan claimed that Mr. Nodoushan harassed her regarding a private meeting she held with a Human Resource representative of the university. Ms. Saryan clearly explained the situation in an executive meeting as well as in a personal meeting with Mr. Nodoushan in the presence of Ms. Johnston. Even after such attempts, Mr. Nodoushan continued to raise suspicion on the nature of Ms. Saryan's meeting with the HR representative. Ms. Saryan has reported feeling intimidated and misrepresented by Mr. Nodoushan to other executives, eventually leading her to feel uncomfortable meeting with Mr. Nodoushan without a witness. This has been concluded as harassment.

Violation of TRAC Bylaws

Ms. Saryan, Ms. Johnston and Mr. Sonin also claimed that Mr. Nodoushan violated TRAC By-Laws, Article 12.4. This article states that any expenditures exceeding \$3000 must be approved by the general assembly before proceeding. Ms. Saryan, Ms. Johnston and Mr. Sonin all produced a series of documents that outline Mr. Nodoushan's intent to purchase mugs and agenda that clearly exceed \$3000 in cost. In the documents provided, it is clear that this fact was pointed out to Mr. Nodoushan and that the purchase was explicitly *not* approved by the executive committee. Mr. Nodoushan proceeded to purchase the mugs. It was clear that Mr. Nodoushan did knowingly and willingly violate Article 12.4 of the TRAC By-Laws. When confronted with this issue during the interview process, Mr. Nodoushan's defence was that PSAC had agreed to cover the cost of said mugs under promotional expenses that the PSAC would help cover. When this was raised with TRAC's PSAC representative, Jean-Michel Fortin, he denied that he ever promised such a thing. It seems unlikely, although possible, this could have been a miscommunication, but regardless the purchase was voted down in an executive meeting, a decision Mr. Nodoushan willingly acted against. Furthermore, it was reported that Mr. Nodoushan asked the bank employee to sign off on the payment release without a second cheque-signer's approval. When the employee refused, Mr. Nodoushan told Ms. Saryan to go to the bank and approve the expense, when she had already voiced her disapproval of the purchase. This was a major violation of the by-laws, one done willingly and against the decision of the executive committee.

Gounash Pirniya

In the case of Ms. Pirniya, the most substantial complaints against her regarded failure to adequately process grievances. During the interview process Ms. Pirniya stated that she was ill prepared to handle grievances as she had not received any instruction or training from the PSAC, and given the tension amongst the executive she was not comfortable receiving support from Ms. Saryan, the previous TRAC Grievance Officer. While there were some difficulties regarding the proper filing of grievances over the

summer, we do not find these to be because of any serious negligence on her part, but rather inexperience. Other complaints, however, were more serious - that Ms. Pirnya has focused her energies on supporting members only in Engineering rather than other faculties. We balanced this claim against Ms. Pirnya's own concern that members in Engineering, historically, had not received as much attention as members in other faculties and that additional attention is needed there to address a disparity.

Ms. Saryan, Ms. Johnston and Mr. Sonin also made claims that Ms. Pirniya was working with Mr. Nodoushan to undermine them, and that she actively supported Mr. Nodoushan in interfering with their duties and responsibilities. It was clear during this investigation that there is an evident divide in the executive committee, with one group consisting of Ms. Saryan, Ms. Johnston and Mr. Sonin and the other consisting of Ms. Pirniya and Mr. Nodoushan. These two sides backed each other up on almost every conflict, no matter how small or large, so the conflict became entrenched and more difficult to distinguish which individuals were actively participating. While it led to more animosity, we don't find serious fault on this point as everyone involved was doing the same.

Daria Saryan

The most significant complaint made against Ms. Saryan was from Mr. Nodoushan, who stated he experienced "a type of racism" from Ms. Saryan. His complaint was based on the fact that by early August, Ms. Saryan stated she felt uncomfortable meeting with Mr. Nodoushan alone and insisted on being accompanied by another executive. When directly questioned about this during interviews with Ms. Saryan and other executives, it became clear Ms. Saryan's request was not racially-motivated, but was because she had experienced several times a mis-representation of her statements by Mr. Nodoushan. She wanted someone else in meetings with him to hold him accountable to the things he said to her, and to be a witness for the statements she herself made.

When asked why he stated Ms. Saryan's request for accompaniment during meetings with him was racist, Mr. Nodoushan replied he felt it must be racism because there could be no other reason for Ms. Saryan to refuse private meetings with him. Given the clearly high tension among the executive at that time, we found Ms. Saryan's request perfectly acceptable - there were many valid reasons why she would have made this request that had nothing to do with Mr. Nodoushan's race. Indeed, given the obvious reasons why Ms. Saryan made that request (reasons that should have been very clear to Mr. Nodoushan), we find this complaint to be an example of how Mr. Nodoushan ignored how his attitude and actions towards the executive were creating an extremely hostile environment for all. Upon reviewing all documents and statements, we have concluded that there is no evidence of racism and dismiss this claim.

Mr. Nodoushan also claimed Ms. Saryan colluded with a Human Resources representative of the university. This was based on a brief conversation that Ms. Saryan had in private with said representative after a Joint Union Management Committee (JUMC) meeting in July, a meeting which Mr. Nodoushan attended. Ms. Saryan explained to us that the conversation was of a personal matter pertaining to hours owed from the previous year. We have accepted this explanation as the true. There is zero proof that the conversation was anything other than what Ms. Saryan claims, and cannot imagine why a TRAC executive with several years of service to her union would be inappropriately discussing union business

with the employer. Again, this is a very serious complaint levelled by Mr. Nodoushan against Ms. Saryan, and one whose content derives entirely from Mr. Nodoushan's distrust of Ms. Saryan.

Ms. Pirniya claimed that Ms. Saryan acted in an arrogant and demeaning manner towards her. It is unclear if this was the true intent of Ms. Saryan based on the evidence provided, but it is clear that Ms. Pirniya felt this was the case. Ms. Pirniya stated that Ms. Saryan attempted to convince her not to run for Vice-President because Ms. Pirniya was not as experienced as other candidates. On other occasions Ms. Saryan alluded to Ms. Pirniya's inexperience, making Ms. Pirniya feel small and demeaned. Mr. Nodoushan also reported similar comments from Ms. Saryan after the General Assembly, where Mr. Nodoushan was elected President over Ms. Saryan. Mr. Nodoushan stated that Ms. Saryan told him to the effect of, "how did you get my position?" and "you being elected as President is a disaster for TRAC." These comments were made orally, rather than via email so their accuracy cannot be verified. However, we heard enough examples conclude that Ms. Saryan did on occasion use her many years of experience to make Mr. Nodoushan and Ms. Pirniya feel less qualified. These are not acceptable statements in any work environment, and certainly not a union led by executives

Robert Sonin

Mr. Nodoushan has made numerous claims regarding Mr. Sonin's behavior. Additionally, Mr. Nodoushan questioned Mr. Sonin's credentials to hold office as a TRAC executive. We confirmed with TRAC's PSAC representative Mr. Jean-Michel Fortin and he has assured us that Mr. Sonin is legally holding his TRAC executive position.

Another claim by Mr. Nodoushan is that Mr. Sonin is submitting unjustified timesheet claims for TRAC work hours. We reviewed all TRAC executive timesheets and although there are a few large hour claims by Mr. Sonin, the time can be explained by the duties that Mr. Sonin's role entails. In fact, of all the timesheets reviewed, it is Mr. Nodoushan's hours that are the most numerous, by far, with little to no explanation.

Mr. Nodoushan also alleges that Mr. Sonin harassed both Mr. Nodoushan and Ms. Pirniya. Evidence for this was typically provided as email correspondence between the executives. Reviewing the documents provided, it is clear that there is a great deal of frustration and animosity between Mr. Sonin and Mr. Nodoushan and Ms. Pirniya. However we found Mr. Sonin's words, while clearly expressing frustration and anger with Mr. Nodoushan and Ms. Pirniya, were carefully chosen so as not to be intimidating. There is no evidence of harassment by Mr. Sonin in the emails Mr. Nodoushan provided.

In Mr. Nodoushan's written complaint, he made a very serious claim that Mr. Sonin is fabricating rumours regarding statements that Mr. Nodoushan has made regarding another person's mental health. When Mr. Nodoushan was asked to give us more information about his statement, he immediately withdrew the statement and told us it was a mistake in his written complaint. So, while we dismissed the claim that Mr. Sonin was fabricating rumours about Mr. Nodoushan, we found Mr. Nodoushan's statements both troubling and suspicious as the allegations could seriously harm a person's reputation and such a charge should not be made lightly.

Finally, Mr. Nodoushan alleged that Mr. Sonin received a loan of \$450 in June 2014 from TRAC, when there was a delay in the liberation payments from Concordia. Despite repeated attempts by Mr. Nodoushan to recover the amount advanced to Mr. Sonin, there is no evidence it has been repaid. This, we do find problematic; the loan should have been repaid immediately upon receipt of the delayed liberation payments. However in a context where Mr. Nodoushan was occasionally withholding Mr. Sonin's pay by not approving his timesheet submissions, the delay in repayment, while concerning, becomes more reasonable. As stated earlier, Mr. Sonin should submit a list of hours he was never paid for, less the outstanding loan, and settle what is owed immediately.

Isabelle Johnston

In the case of Ms Johnston, the only clear complaint was from Mr. Nodoushan, which claimed that Ms. Johnston acted in a disrespectful manner towards Mr. Nodoushan when he interacted with the Bargaining committee process. Upon review of the facts, we have concluded that Ms. Johnston reacted appropriately as Mr. Nodoushan was interfering with Ms. Johnston's role as chair of the committee. Her response was both professional and restrained.

A Note on Charges of Racism

Although both Mr. Nodoushan and Ms. Pirniya indicated that they felt they were being humiliated by the other executives, there was no clear evidence of harassment or interference with either of their duties. On the other hand, Mr. Nodoushan was clearly and repeatedly interfering with the duties of the other executives. From our interviews, we were able to determine that Mr. Nodoushan felt humiliated when other executives refused to obey his requests and interference, which often went counter to the decisions of the executive committee or were decisions not under his own portfolio. Ms. Pirniya, in contrast, reported feeling humiliated by Mr. Sonin and Ms. Saryan because they held their extensive experience up against her relative inexperience. We are not fully sure what to make of this, because during our interviews Ms. Pirniya indicated she had very little faith in their experience anyway, as she disagreed with the way they had led the union in the past. But it is clear that in moments of conflict Ms. Pirniya was sometimes made to feel inexperienced, and this factored into our decision to recommend that Ms. Saryan and Mr. Sonin both be removed from their positions and go through a re-election process.

More seriously, Mr. Nodoushan and Ms. Pirniya also named specific acts by Ms. Saryan to hold elements of racism. When we asked specifically, Mr. Nodoushan stated Ms. Saryan's refusal to meet with him alone was racist, because he saw no other explanation. Upon reviewing the details, we found that there was a clear alternative explanation (Ms. Saryan's obvious discomfort with being alone with Mr. Nodoushan after a difficult and public argument at an executive meeting), and no evidence to support that her request was based on any form of racism. The second example Mr. Nodoushan and Ms. Pirniya provided was that Ms. Saryan would refer to Ms. Afrin (TRAC Secretary-Treasurer) as a "friend" of Ms. Pirniya and Ms. Nodoushan when in fact the two hardly knew Ms. Afrin before the election. They contend that this grouping, because it was along racial lines, shows Ms. Saryan was prejudiced. However, again, every single contentious vote in the executive committee had been split down the middle, with Ms. Afrin voting as the third member of the bloc including Ms. Nodoushan and Ms. Pirniya. Given this

reality, there is no reason to believe Ms. Saryan was referring to anything other than the political division amongst the executive, and not a racial one.

The investigation committee would like to stress that, although we did not find evidence of racism in this case, we committed a large portion of our energy to investigation. During interviews, we spent a significant time of our interviews on this topic, especially given there was no written evidence as there was for most of the harassment complaints. We pushed all the executives to give detailed answers to our questions, and tried to think about the incidents from all angles.

Conclusion and Recommendations

After reviewing all of the submissions by all parties it is clear that the current TRAC executive committee is incapable of working together. There is far too much suspicion and animosity towards each other. In fact, each officer was directly asked if there was any way that they could see themselves working together, in every case the answer was a strong "No!" It is therefore our recommendation that all current members of the TRAC executive be removed from office and that a new election take place immediately.

Furthermore, it is our recommendation that Mr. Nodoushan be barred from running for this new election as he has proven that he does not understand the role of a President, and does not how to work cohesively as a team member, leading to constant interference with the tasks and duties of other executive members.

It is also our recommendation that upon election of the next TRAC executive committee, PSAC commit a representative to train each executive member is his or her role and to oversee all meeting of the executive internally and externally (meetings with HR, bargaining meetings and general assemblies) for a minimum period of two consecutive months.